**DISTRICT OFFICE:** New Orleans

ILI	E NU	MBER:	MVN-200	7-1361-EI	I									
	State Paris Cent App Nam	e: sh: er coordin roximate ne of neare	Louisiana Plaquemi nates of sin size of are est waterw	ines te (latitude, a (parcel) i vay: Missis	/longitude): reviewed, incl sippi River	uding		19" 89°. .4 acres.	26'25.3(	6"				
	Nam	e of wate	rshed:	Mississip	pi Kiver									
				RMINAT determinat (s)			Date: 5- Date(s):	3-7						
	Juri	sdictiona	l Determi	nation (JI	<b>)</b> ):									
	X	United S	tates" and	ased on ave for "naviga part 331).	ailable inform ble waters of	<b>ation,</b> the Ui	, 🔀 there	appear tes" on th	<i>to be</i> (or e projec	t) 🔲 theret site. A	e appear prelimina	to be no ' ary JD is i	"waters of not appeal	f the lable
			d JD – An l that appl		JD is an appea	alable	action (F	eference	33 CFR	R part 331	).			
					ers of the Unite ate size of juri				y 33 CF	R part 32	9 and ass	ociated gr	uidance) v	within
		There	are "wate area. Ap	ers of the Uproximate	Inited States" size of jurisdic	(as de	efined by	33 CFR	part 328	3 and asso	ociated gu	iidance) v	vithin the	
		There	are "isol		navigable, intr supported by S on.								rmination	of No
	A.	Waters of	defined ur ence of wa	ider 33 CI ters that ar	ERMINATICE Part 329 at a subject to the for use to tra	s "na e ebb	and flow	of the tic	de and/o	r are pres		d, or have	e been use	ed in
		(1) The p interstate (2) The p (3) The p sandflats. destruction (i) w (ii) f (iii) (4) Import (5) The p (6) The p	resence of or foreign resence of resence of wetlands on of which which are of rom which which are undments resence of	waters, who commerced interstate fother water, sloughs, put he could affer could be not fish or short could be of waters of a tributary territorial	FR part 328.3 hich are current, including all waters including as waters including as such as interpretable feet interstate of used by intersellfish are or control therwise definition to a water ideaseas.	ntly us I water ing intrastaters, wet commutate or could in ustrial ned as entifie	sed, or wers which terstate we lakes, rit meadow terce includer foreign be taken purposes waters oed in (1) -	ere used in are subject etlands. vers, stress, playa lading any travelers and sold is by industrate US. (4) above	in the pace to the ams (incakes, or akes, or v such w for recrininters stries in ve.	est, or ma e ebb and cluding in natural p vaters (che eational c tate or fo interstate	flow of the state	the tide.  at streams use, degrat apply): urposes. nmerce.	), mudflat radation o	or
	Rati	onale for	the Basis	of Jurisdi	ctional Deter	minat	tion (app	lies to an	y boxes	s checked	l above).			
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Lat ⊠	ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ Impress 328 and 329 □ High Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages □ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	tis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
	REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: see Jurisdictional Determination Section at top of previous page Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>T</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION Revised 8/13/04 U.S. Army Corps of Engineers **DISTRICT OFFICE:** New Orleans FILE NUMBER: MVN-2007-1362-EII PROJECT LOCATION INFORMATION: State: Louisiana Parish: St. Bernard 29°55'2" 89°53'26" Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 6.14 acres. Name of nearest waterway: Forty Arpent Canal Name of watershed: Mississippi River JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 4-27-7 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, Mthere appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: ☑ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

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$\times$	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
$\boxtimes$	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in (1) – (4) above.
	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The activity will occur adjacent to the Forty Arpent Canal in St. Bernard Parish.

Basis 1362 2

Lat ⊠	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ destruction of unit indicated by: □ illine indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Œ	
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic maps:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actional wetlands inventory maps:  State/Local wetland inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: see Jurisdictional Determination Section at top of previous page Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers **DISTRICT OFFICE:** New Orleans FILE NUMBER: MVN-2007-1657-EII PROJECT LOCATION INFORMATION: Louisiana State: Parish: Plaquemines Center coordinates of site (latitude/longitude): 29°37'10" 89°39'29" Approximate size of area (parcel) reviewed, including uplands: 24 acres. Name of nearest waterway: Bay Lafourche Name of watershed: Gulf of Mexico JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 5-3-7 Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No. Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).

The activity will occur in shallow open waters in Bay Lafourche in Plaquemines Parish.

Basis 1657 2

	reral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:
	Mean High Water Mark indicated by:  survey to available datum; physical markings; vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: see Jurisdictional Determination Section at top of previous page Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** New Orleans FILE NUMBER: MVN 2007-1663 EOO

			FORMATION:		
App Nar	sh: ter coordi proximate	size of area	nes te (latitude/longitud	including	29-22-17 / 89-46-58 guplands: .18 acres.
			RMINATION determination (s)		Date: April 26, 2007 Date(s):
Jur	isdictiona	l Determi	nation (JD):		
	United S	tates" and	ased on available in for "navigable water part 331).	formation rs of the U	, \( \subseteq \text{ there appear to be (or)} \) \( \subseteq \text{ there appear to be no "waters of the Inited States"} \) on the project site. A preliminary JD is not appealable
×		d JD – An I that apply		appealable	e action (Reference 33 CFR part 331).
					ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: .18 acres.
			ers of the United Sta proximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area: .18 acres.
	There	e are "isol			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
A.	Waters of The pres	d <mark>efined u</mark> r ence of wa	ters that are subject	329 as "na to the ebb	avigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
B.	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) The printerstate (5) The p	oresence of e or foreign oresence of oresence of s, wetlands on of which which are of from which	f waters, which are a commerce, includ finterstate waters in fother waters such a sloughs, prairie post could affect intersor could be used by a fish or shellfish ar	currently using all wat ing all wat icluding ir as intrastal tholes, we state comminterstate of e or could	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes.  be taken and sold in interstate or foreign commerce.
	(4) Impo (5) The p (6) The p	oundments presence of presence of	of waters otherwise f a tributary to a wa f territorial seas.	defined a ter identifi	all purposes by industries in interstate commerce.  s waters of the US.  ded in (1) – (4) above.  vaters of the US, except for those wetlands adjacent to other wetlands.
Rat	tionale for	the Basis	of Jurisdictional l	Determina	ation (applies to any boxes checked above).

Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Undetermined  Tide Line indicated by:  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Undetermined
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):  EVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):

Twetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** New Orleans FILE NUMBER: MVN 2007-1667 EOO

Stat Pari Cen App Nan	e: sh: ter coordi proximate:	Louisiana Plaqueminates of site size of area est waterwa	nes e (latitude/longitue	l, including	29-21-12 / 89-46-41 uplands: .23 acres.
			RMINATION determination s)		Date: April 26, 2007 Date(s):
Jur	isdictiona	l Determin	nation (JD):		
	United S		or "navigable wate		, \( \subseteq \text{ there appear to be (or)} \subseteq  there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
		ed JD – An Il that apply	• •	appealable	action (Reference 33 CFR part 331).
					ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: .23 acres.
			rs of the United Sproximate size of j		defined by 33 CFR part 328 and associated guidance) within the all area: .23 acres.
	☐ There				te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
A.	Waters of	defined un ence of wat	ers that are subject	329 as "na t to the ebb	vigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in at interstate or foreign commerce.
	(1) The p	presence of e or foreign	waters, which are commerce, include	currently uding all wat	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. uterstate wetlands <sup>1</sup> . e lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or
	destruction (i) v	on of which which are of from which	n could affect inter r could be used by a fish or shellfish a	rstate comn interstate oute are or could	nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes, be taken and sold in interstate or foreign commerce.
	(4) Impo (5) The p	oundments of presence of	of waters otherwis	e defined a	l purposes by industries in interstate commerce. s waters of the US. ed in (1) – (4) above.
				t <sup>2</sup> to other v	vaters of the US, except for those wetlands adjacent to other wetlands.
Rat	ionale for	the Basis	of Jurisdictional	Determina	tion (applies to any boxes checked above).

Late	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: Undetermined  □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Undetermined
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: see Jurisdictional Determination Section at top of previous page Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** New Orleans FILE NUMBER: MVN 2007-1668 EOO PROJECT LOCATION INFORMATION: Louisiana State: Parish: **Plaquemines** 29-33-29 / 89-19-31 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: .1 acres. Name of nearest waterway: Breton Sound **Breton Sound** Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: April 26, 2007 Date(s): Site visit(s)

Jurisdictional	Determina	tion (JD):
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Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the or "wat
 United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .1 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .1 acres.

☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

#### A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats.
sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
destruction of which could affect interstate commerce including any such waters (check all that apply):

- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- $\Box$  (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).

Lat	Ordina di	extent of Jurisdiction: (Reference: 33 CFR parts 32 lary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Undetermined	8 and 329) High	oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Undetermined
		High Water Mark indicated by: arvey to available datum;  physical markings;	vegetation	lines/changes in vegetation types.
	Wetla	and boundaries, as shown on the attached wetland d	elineation n	nap and/or in a delineation report prepared by:
Bas	The re Unabl Headed The C United	the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets 328.3(a).  Isolated, intrastate wetland with no nexus to inter Prior converted cropland, as determined by the N	s of 33 CFF ne following nds or lagoo upland if the and/or dikin uch purpose small ornam ter for prim lental to cor as and until the definiti state comm atural Reso	R part 328.3(a)(3).  g waters present on the site are not Waters of the cons, pursuant to 33 CFR part 328.3. The irrigation ceased. The irrigation ceased are say stock watering, irrigation, settling basins, or cental bodies of water created arily aesthetic reasons. The irrigation activity and pits excavated in dry land for the construction or excavation operation is on of waters of the United States found at 33 CFR erce.  The irrigation ceased. The irrigation is construction or excavation operation is construction or excavation operation is construction. The irrigation is construction of the United States found at 33 CFR erce.  The irrigation ceased. The irrigation is construction of the United States found at 33 CFR erce.
		Non-tidal drainage or irrigation ditches excavated Other (explain):	l on dry lan	d. Explain rationale:
	Maps, Data s Data s Corps U.S. C U.S. C U.S. C USDA Natior State/I FEMA 100-y Aerial Other Advar Site vi Applic	WED FOR JURISDICTIONAL DETERMINAT, plans, plots or plat submitted by or on behalf of the sheets prepared/submitted by or on behalf of the application of the application of the control of	e applicant.  l , pre ort, dated  :	epared by (company): , prepared by (company):

<sup>&</sup>lt;sup>T</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

		U.S. AIIII	y Corps of Engineers
	CT OFFICE: New Orleans UMBER: MVN-2007-1702-EII		
Stat Pari Cen App Nan		gitude): wed, including avenue	29°58'31.53" 89°56'23.88" g uplands: .03 acres.
	PICTIONAL DETERMINATION npleted: Desktop determination Site visit(s)	<b>⊠</b>	Date: 4-26-7 Date(s):
Jur	isdictional Determination (JD):		
Ø			, \(\simeg \) there appear to be (or) \(\subseteq\) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
	Approved JD – An approved JD is Check all that apply:	an appealable	action (Reference 33 CFR part 331).
	There are "navigable waters of the reviewed area. Approximate s		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There are "waters of the Unite reviewed area. Approximate size		defined by 33 CFR part 328 and associated guidance) within the al area:
			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
A.	The presence of waters that are subthe past, or may be susceptible for  Waters defined under 33 CFR p. (1) The presence of waters, which interstate or foreign commerce, inc. (2) The presence of interstate waters (3) The presence of other waters standflats, wetlands, sloughs, prairi destruction of which could affect in the could in the could in the could be used to th	art 329 as "na pject to the ebb use to transpolart 328.3(a) as are currently usually usually all waters including all waters including in uch as intrastate potholes, we neerstate community interstate on the are or could do for industrial wise defined as water identified	s "waters of the United States":  sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands.  e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce. s waters of the US.
Det			
			rs by directionally boring in St. Bernard Parish.

2

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ destruction of Jurisdiction: (Reference: 33 CFR parts 328 and 329) □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic soli Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: see Jurisdictional Determination Section at top of previous page Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** New Orleans **FILE NUMBER:** MVN 2007-1765 EOO

State Pari Cen App Nan		a ines te (latitude/longitud a (parcel) reviewed	including	
	ICTIONAL DETE npleted: Desktop Site visite	determination		Date: May 3, 2007 Date(s):
Juri	sdictional Determi	nation (JD):		
	Preliminary JD - B United States" and (Reference 33 CFR	or "navigable water	formation rs of the U	, there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
	Approved JD – An Check all that apply		appealable	action (Reference 33 CFR part 331).
		igable waters of the Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: .1 acres.
		ers of the United Sta proximate size of ju		lefined by 33 CFR part 328 and associated guidance) within the al area: .1 acres.
	There are "isol			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
A.	The presence of wa	nder 33 CFR part 3 iters that are subject	329 as "na to the ebb	evigable waters of the United States":  and flow of the tide and/or are presently used, or have been used in a interstate or foreign commerce.
B. 🖾	(1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands destruction of which is in which are of (ii) from which is interested in the presence of	f waters, which are n commerce, includ f interstate waters in f other waters such a sloughs, prairie post could affect interproduced by h fish or shellfish are	currently using all wat ing all wat including in as intrastate tholes, we state comminterstate of the or could	s "waters of the United States":  used, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.  uterstate wetlands.  uterstate wetlands.  uterstate wetlands, streams (including intermittent streams), mudflats, at meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply):  or foreign travelers for recreational or other purposes.  be taken and sold in interstate or foreign commerce.  Il purposes by industries in interstate commerce.
	(4) Impoundments (5) The presence o (6) The presence o	of waters otherwise f a tributary to a wa f territorial seas.	defined a ter identifi	
Rat	ionale for the Basis	of Jurisdictional l	Determina	ation (applies to any boxes checked above).

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: Undetermined  □ otheridate Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Undetermined
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Historic quadran

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT	<b>OFFICE:</b>	New Orl	eans
FILE NUM	BER: MV	N-2007-1	769-EII

FILE NUMBE	R: MVN-2007-1769-EII	
State: Parish: Center coo Approxima	CATION INFORMATION:  Louisiana St. Bernard rdinates of site (latitude/longitude): ate size of area (parcel) reviewed, including earest waterway: Gulf of Mexico ratershed: Gulf of Mexico	29°41'40" 89°21'38" g uplands: .4 acres.
	DNAL DETERMINATION  d: Desktop determination  Site visit(s)	Date: 5-3-7 Date(s):
Jurisdictio	onal Determination (JD):	
Prelin Unite	ninary JD - Based on available information	n, \( \sum \) there appear to be (or) \( \sum \) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	oved JD – An approved JD is an appealable all that apply:	e action (Reference 33 CFR part 331).
	nere are "navigable waters of the United S viewed area. Approximate size of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
	nere are "waters of the United States" (as wed area. Approximate size of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area:
Th		ate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No
A. Wate The pr	RISDICTIONAL DETERMINATION: rs defined under 33 CFR part 329 as "n resence of waters that are subject to the ebst, or may be susceptible for use to transp	b and flow of the tide and/or are presently used, or have been used in
(1) The interst (2) The (3) The sandfl destruction (i)	tate or foreign commerce, including all was the presence of interstate waters including it the presence of other waters such as intrastates, wetlands, sloughs, prairie potholes, we ction of which could affect interstate come in which are or could be used by interstate in from which fish or shellfish are or could be used for industriate poundments of waters otherwise defined a telepresence of a tributary to a water identified the presence of wetlands adjacent <sup>2</sup> to other the presence of the presence of wetlands adjacent <sup>2</sup> to other the presence of the prese	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.  Interstate wetlands <sup>1</sup> .  It lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply):  or foreign travelers for recreational or other purposes.  It be taken and sold in interstate or foreign commerce.  It purposes by industries in interstate commerce.  It waters of the US.  It is in (1) – (4) above.  Waters of the US, except for those wetlands adjacent to other wetlands.
		ation (applies to any boxes checked above).
I ne activ	vity will occur in shallow open waters in t	ne Gun of Mexico in St. Bernard Parish.

2

Basis1769

DA

Lat	Ordina  Ordina  Ordina  Ordina  Ordina  Ordina	extent of Jurisdiction: (Reference: 33 CFR parary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	rts 328 and 329)	h Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
•	su	High Water Mark indicated by:  rvey to available datum;   physical marking		lines/changes in vegetation types.  nap and/or in a delineation report prepared by:
Bas	sis For l The re Unable Headq The C	Not Asserting Jurisdiction: eviewed area consists entirely of uplands. e to confirm the presence of waters in 33 CFR quarters declined to approve jurisdiction on the	R part 328(a)(1, 2 e basis of 33 CFF that the following nt ponds or lagoo	, or 4-7). R part 328.3(a)(3). g waters present on the site are not Waters of the ons, pursuant to 33 CFR part 328.3.
	П	Artificial lakes and ponds created by excava	ating and/or diking for such purpose	ng dry land to collect and es as stock watering, irrigation, settling basins, or
		by excavating and/or diking dry land to reta Water-filled depressions created in dry land the purpose of obtaining fill, sand, or gravel	in water for prim incidental to con unless and until	arily aesthetic reasons.  struction activity and pits excavated in dry land for
		Isolated, intrastate wetland with no nexus to		erce. urces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches exca Other (explain):	vated on dry land	d. Explain rationale:
$\boxtimes$	Maps, Data sl Th Th Data sl Corps' U.S. G U.S. G U.S. G USDA Nation State/L FEMA 100-ye Aerial Other p Advand Site vis Applic	plans, plots or plat submitted by or on behalf heets prepared/submitted by or on behalf of the soffice concurs with the delineation report, his office does not concur with the delineation heets prepared by the Corps. In avigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic material seological Survey 15 Minute Historic quadrant and Natural Resources Conservation Service Soffical wetlands inventory maps: Local wetland inventory maps: Local wetland inventory maps: Lord William (Map Name & Date): Photographs (Name & Date): Photographs (Name & Date): photographs (Date): ced Identification Wetland maps: sit/determination conducted on: see Jurisdictic able/supporting case law: information (please specify):	of the applicant. he applicant. dated , pre he report, dated hess: highes: hig	pared by (company): , prepared by (company):

<sup>&</sup>lt;sup>T</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** New Orleans **FILE NUMBER:** MVN-2007-1771-EII

FILE NU	MBER:	MVN-2007	-1771-EII		
State Paris Cente Appr Name	: h: er coordii oximate :	Louisiana Plaquemin nates of site size of area est waterway	(latitude/longi	tude): red, including River	29°36'13" 89°47'17" g uplands: 2.68 acres.
			MINATION etermination	<u>X</u>	Date: 5-3-7 Date(s):
Juris	dictiona	l Determin	ation (JD):		
	Prelimina United S	ary JD - Bas	sed on available r "navigable wa		h, \( \sum \) there appear to be (or) \( \sum \) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
		d JD – An a l that apply:		an appealable	e action (Reference 33 CFR part 331).
			able waters of t approximate siz		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
			s of the United oximate size of		defined by 33 CFR part 328 and associated guidance) within the al area:
	There				nte waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
A. 🛛	<b>Waters</b> of The prese	lefined und ence of wate	rs that are subj	rt 329 as "na ect to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
	(1) The p interstate (2) The p (3) The p sandflats, destruction (i) w (ii) f (4) Impou (5) The p (6) The p	resence of vor foreign of the resence of its resence of or wetlands, so on of which are or which are or which are or undments of resence of a resence of the	vaters, which a commerce, incl- interstate waters other waters suc- cloughs, prairie could affect in- could be used the fish or shellfish in could be used waters otherwater to a verritorial seas.	re currently uding all wat sincluding in the as intrastat potholes, we terstate common y interstate of are or could for industria ise defined as water identifi	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. nterstate wetlands.  te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce. Il purposes by industries in interstate commerce. Is waters of the US. I ded in (1) – (4) above.  waters of the US, except for those wetlands adjacent to other wetlands.
Ratio	nale for	the Basis o	f Jurisdictiona	l Determina	ation (applies to any boxes checked above).
					River in Plaquemines Parish.

D . 1771		
Basis 1771		

DA'

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  ☐ clear, natural line impressed on the bank ☐ oil or scum line along shore objects ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other:  ☐ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute

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<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.